

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID E. FEATHERS,) CASE NO. 5:22-CV-540
)
Petitioner,) JUDGE CHARLES E. FLEMING
)
vs.) **OPINION AND ORDER**
)
WARDEN STEPHEN REYNOLDS,¹)
)
Respondent.)
)

On May 29, 2024, Petitioner filed a motion to appeal *in forma pauperis*. (ECF No. 65).

Pursuant to Federal Rule of Appellate Procedure 24(a)(3):

A party who was permitted to proceed in forma pauperis in the district-court action
... may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court—before or after the notice of appeal is filed—certifies that the
appeal is not taken in good faith or finds that the party is not otherwise entitled to
proceed in forma pauperis and states in writing its reasons for the certification.

Petitioner was permitted to proceed in forma pauperis in the district-court action. (ECF No. 5).

Pursuant to Federal Rule of Appellate Procedure 22(b)(1), Petitioner cannot take an appeal
unless a circuit justice or a circuit or district judge issues a certificate of appealability under 28
U.S.C. § 2253(c). In the Court's May 6, 2024 opinion and order regarding Petitioner's objections
to the Report and Recommendation, the Court found there was no basis upon which to issue, and
did not issue, a certificate of appealability. (ECF No. 62). In accordance with the Court's former

¹ Petitioner is incarcerated at Grafton Correctional Institution, so the proper Respondent is Stephen Reynolds, the warden of that institution.

denial of a certificate of appealability, the Court certifies that an appeal in this case could not be taken in good faith.

Petitioner's motion to appeal *in forma pauperis* is **DENIED**. (ECF No. 65). The Court certifies that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: June 10, 2024



CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE